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FACSIMILE TRANSMISSION

GROUP 1600

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**FROM:** Charles B. Cappellari  
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**TO:** Examiner: Schmidt, M.  
Group 1635

U.S. Patent & Trademark Office

Facsimile No. (703) 872-9306

Number of pages (including this cover page): 3

In re Patent Application of:

BECKER *et al.*

Serial No. 09/808,558

Filed: March 14, 2001

Title: MODIFIED OLIGONUCLEOTIDES  
AND METHODS FOR DETERMINING  
THE PRESENCE OF A NUCLEIC  
ACID ANALYTE IN A SAMPLE

Group Art Unit: 1635

Examiner: Schmidt, M.

Atty. Docket No. GP068-05.CN3

Confirmation No. 3920

Date: October 1, 2002

Transmitted herewith:

Response to Election Requirement (2 pgs.)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9306 on the date indicated below to the Commissioner for Patents, Washington, D.C. 20231.

Date: October 1, 2002

By: 

Charles B. Cappellari, Reg. No. 40,937

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Group Art Unit: 1635
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	)	
Serial No. 09/808,558	)	Atty. Docket No. GP068-05.CN3
	)	
Filed: March 14, 2001	)	Confirmation No. 3920
	)	
For: MODIFIED OLIGONUCLEOTIDES	)	VIA FACSIMILE
AND METHODS FOR DETERMINING	)	
THE PRESENCE OF A NUCLEIC	)	
ACID ANALYTE IN A SAMPLE	)	

**RESPONSE TO ELECTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In an Office Action mailed on September 25, 2002, the Examiner concluded that claims 422-463 of the above-captioned application are generic to a plurality of patentably distinct species comprising oligonucleotides having different species of 2'-O-alkyl substitutions to the ribofuranosyl moiety of at least one ribonucleotide contained in the oligonucleotides. In response to the Examiner's election of species requirement, Applicants hereby elect the 2'-O-methyl substitution species disclosed in the specification *passim* and recited in pending claims 440 and 463.

No fee is believed due in connection with this Response. If Applicants are mistaken, please charge the amount due to Deposit Account 07-0835 in the name of Gen-Probe Incorporated.

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RESPONSE

Serial No. 09/808,558  
Atty. Docket No. GP068-05,CN3

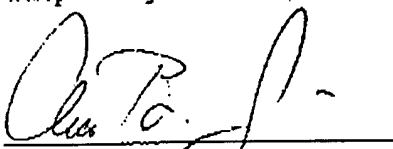
Certificate of Transmission

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Respectfully submitted,

Dated: October 1, 2002

By:

  
Charles B. Cappellari  
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